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8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 IN RE: HIGH-TECH EMPLOYEE
ANTITRUST LITIGATION
13

Case No. 3:11-cv-2509-LHK

14 THIS DOCUMENT RELATES TO:
15 ALL ACTIONS
16
17
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**DECLARATION OF JUSTINA K.
SESSIONS IN SUPPORT OF
DEFENDANTS' JOINT RESPONSE TO
PLAINTIFFS' ADMINISTRATIVE
MOTION TO SEAL**

1 I, JUSTINA K. SESSIONS, declare and say that:

2 1. I am an attorney licensed to practice law in the State of California and am an
3 associate with the law firm of Keker & Van Nest LLP, located at 633 Battery Street, San
4 Francisco, California 94111, counsel for Defendant Lucasfilm Ltd. (“Lucasfilm”) in the above-
5 captioned action. I am duly admitted to practice law before this Court. I have knowledge of the
6 facts set forth in this declaration, and if called to testify as a witness thereto could do so
7 competently under oath.

8 2. For the reasons outlined below, and the reasons provided in the Declaration of
9 David J. Anderman in Support of Defendants’ Joint Response to Plaintiffs’ Administrative
10 Motion to Seal [Dkt. No. 199], Lucasfilm seeks to maintain under seal certain portions of
11 Plaintiffs’ Supplemental Motion for Class Certification and Memorandum in support (“Pl. Supp.
12 Mtn.”); the Expert Witness Report of Kevin F. Hallock (“Hallock Report”); the Expert Witness
13 Report of Edward E. Leamer, Ph.D (“Leamer Report”); certain exhibits to the Declaration of Lisa
14 J. Cisneros (“Cisneros Decl.”); and certain exhibits to the Declaration of Dean M. Harvey
15 (“Harvey Decl.”). The portions Lucasfilm seeks to maintain under seal contain or reflect
16 Lucasfilm’s confidential compensation data and practices and/or private information of individual
17 Lucasfilm employees or prospective employees.

18 3. Lucasfilm seeks to maintain the following portions of Plaintiffs’ filing under seal
19 because these portions describe Lucasfilm’s compensation levels and targets or confidential and
20 proprietary information regarding the manner in which Lucasfilm classifies or compensates job
21 tasks or employees:

- 22 i) The Lucasfilm-related portions of Leamer Report Figure 19;
- 23 ii) Compensation numbers in Hallock Report ¶¶ 94, 96, 169, 216, 217, 219,
24 220, 221, 222 and Figure 18.
- 25 iii) Certain portions of Cisneros Decl. Exhs. 0008, 359, 690, 715, 944, 945,
26 2084, KK, LL, MM, NN, OO, PP and Harvey Decl. Exh. 17, as indicated in the proposed
27 redactions submitted to the Court and reflected in the attached redacted versions of these Exhibits.

1 4. Lucasfilm strictly maintains the confidentiality of the information sought to be
2 maintained under seal. Lucasfilm could be competitively harmed if other companies gained
3 access to this information because, among other things, it would enable competitors to determine
4 Lucasfilm's pay practices. Other companies could adjust their own compensation practices based
5 on their knowledge of Lucasfilm's compensation methods, levels, or budgets.

6 5. Lucasfilm seeks to maintain the following portions of Plaintiffs' filing under seal
7 because these portions contain the names or other identifying information of employees or
8 potential employees in connection with discussions of private confidential matters, including
9 compensation, performance evaluation, or recruitment:

- 10 i) One employee name in Pl. Supp. Mtn.
11 ii) Specific employee names and descriptions in Hallock Report ¶¶ 169, 170.
12 iii) Certain portions of Cisneros Decl. Exhs. 360, 710, 728, 729,¹ 730, 2088,
13 2094,² 2096,³ 2100, 2002, KK, LL, MM, NN, OO, PP and Harvey Decl. Exh. 17, as indicated in
14 the proposed redactions submitted to the Court reflected in the attached redacted versions of these
15 Exhibits.

16 6. The public has little interest in learning the details of a non-party's compensation,
17 performance history, or success in job-seeking efforts. This is particularly true where, as here, no
18 class has been certified and the individual employees at issue may not even be members of the
19 putative class.

20 7. Lucasfilm seeks to maintain the following portions of Plaintiffs' filing under seal
21 because these portions contain private personal identifying information, such as home addresses,
22 personal e-mail addresses and phone numbers:
23
24

25 _____
26 ¹ In accordance with the Court's Order dated March 14, 2013, Lucasfilm re-produced this
document to Plaintiffs without relevance or responsiveness redactions. The version Plaintiffs
filed is the version Lucasfilm had produced prior to the Court's Order.

27 ² See n.1, *supra*.

28 ³ See n.1, *supra*.

1 i) Certain portions of Cisneros Decl. Exhs. 359, 710, 727, 728, 729, 730,
2 2084,⁴ 2088, 2094, 2096, 2100, and NN as indicated in the proposed redactions submitted to the
3 Court and reflected in the attached redacted versions of these Exhibits.

4 8. Lucasfilm seeks to maintain the following portions of Plaintiffs' filing under seal
5 because these portions contain proprietary compensation survey data that Lucasfilm purchased
6 from third parties:

7 i) Certain portions of Cisneros Decl. Exhs. 715, 729, and 2002, as indicated
8 in the proposed redactions submitted to the Court and reflected in the attached redacted versions
9 of these Exhibits.

10 9. Because Lucasfilm has sought to maintain the confidentiality of the materials
11 described above, and because public disclosure of these materials could cause Lucasfilm
12 significant harm or could result in the disclosure of private personal information, the portions of
13 the documents described above should be redacted and shielded from disclosure to Lucasfilm's
14 potential competitors and the public.

15 10. Attached hereto as Exhibits 8, 359, 360, 690, 710, 715, 727, 728, 729, 730, 944,
16 945, 2002, 2084, 2088, 2094, 2096, 2100, KK, LL, MM, NN, OO, PP are Lucasfilm's proposed
17 redacted versions of the exhibits bearing those numbers to the Cisneros Declaration.

18 11. Attached hereto as Exhibit 17 is Lucasfilm's proposed redaction version of Exhibit
19 17 to the Harvey Declaration.

20 I declare under penalty of perjury under the laws of the United States that the foregoing is
21 true and correct and that this declaration was executed in San Francisco, California, on May 16,
22 2013.

23
24 /s/ Justina K. Sessions
25 JUSTINA K. SESSIONS
26
27

28 ⁴ See n. 1, *supra*.